

REMARKS

In view of the above amendment, claims 18-34 are pending. Applicant believes the pending application is in condition for allowance.

Claims 27-34 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. Claims 18-20, 22 and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kim (2004/0021241). Claims 18-20, 22 and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ritter et al. (6,880,761). Claims 21, and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ritter et al.

The claims have been variously amended in form, to overcome the rejection under 35 USC 112 by establishing correct claim dependencies. The claims have further been variously amended to more clearly distinguish the present invention from the prior art references cited by the Examiner. In particular, the claims have been amended to replace the term “personal information” with “opposite party identifier information”. This is supported for example by the part of the specification from line 11 page 25 to line 25, page 26, which describes the format of a telephone call record stored on a memory card, with that record corresponding to one specific telephone call. As described, the record includes “...an opposite party identifier field, which contains information specifying the opposite party in the telephone call...”, and also “...a call contents recording field containing data....constituting the actual recorded telephone call contents”.

Hence, an essential feature of the present invention is that it provides a data recording apparatus whereby content data (e.g., contents of telephone calls, etc.) received by communication with an opposite party can be stored in a memory card, associated with information that can be used to identify that opposite party.

The following comments will distinguish the cited art from the claimed invention.

Kim (USP 2004 00221241) and Ritter (USP 6,680,761) have been cited in the prior art claim rejections. Both Kim and Ritter teach types of apparatus that utilize a SIM (Subscriber Identification Module) card, which includes a memory function. With Kim, the aperture is used with a portable radio telephone. However Kim does not teach the use of the SIM card for storing content data received from opposite parties in telephone calls, in association with information that identifies the corresponding opposite parties. Kim only specifies:

”The data stored in the SIM card includes phone numbers...as well as information needed to operate the portable radio telephone, i.e., subscriber information”.

Simply storing such personal information in a card such as a SIM card does not, in itself, anticipate the features of the present invention summarized above, and clearly set out in claim 18 as currently amended.

With the Ritter disclosure, the terms “SIM card” and “chip card” are in some parts described as identical devices “Chip cards are utilized...e.g., as SIM cards for identifying network subscribers” (in a mobile telephone network), and in other parts as respectively different types of device e.g. “...these stored data are transmitted contactlessly from the SIM card to a chip card...”, etc. In any case, the basic objective of Ritter is to enable “chip cards” to be “flexibly loaded with program applications and data, particularly data corresponding to sums of money”.

In citing the Ritter disclosure, the Examiner states that Ritter teaches a method for loading data onto chip cards etc., comprising “...a data base having personal information stored therein beforehand...”. The only support for this (other than for in claims 1 and 21 of Ritter, which each recite “a SIM card that identifies subscribers in the mobile network”) is in the first part of the Background, which describes “SIMS cards in a GSM network for identifying GMS subscribers”. Since “cards,” and “subscribers” are both in the plural, this presumably indicates that the cards are used only to identify the respective holders of the cards.

In any case, there is no mention in any part of the Ritter disclosure of the concept of the present invention described above, of storing (e.g., on a SIM card) records corresponding to

respective telephone calls, each including “an opposite party identifier field, which contains information specifying the opposite party in the telephone call...”, and “...a call contents recording field containing data....constituting the actual recorded telephone call contents”,

or as set out in claim 18 as currently amended:

“...a database having a plurality of sets of identifier information corresponding to respective ones of said opposite parties stored therein beforehand, for use in identifying said opposite parties and thereby enabling said parts of said content data (inputted via the content data input means) to be correlated with said corresponding opposite parties...”

In view of the above, reconsideration of the claim rejections based on the cited prior art is respectfully requested.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 20402-00631-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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